

## Editorial

At the end of 2011 the Department of Jurisprudence at the University of South Africa (Unisa) held a multidisciplinary conference entitled *Animals in Law and Society: Perspectives from Africa and Beyond*. The conference did not focus on the legal aspects only, but was attended by animal rights activists, ethicists, philosophers, practitioners and the like. This edition of *SA Public Law* contains some of the papers read at this conference.

The debate surrounding animals and animal rights tends to elicit strong feelings, but in essence it revolves around the ontological and ethical status of animals. Basically, the question is whether there is a duty to protect animals and, if so, how far that protection extends. If one therefore accepts that animals have an ethical status equal to humans, what are the (legal) implications for the use and treatment of animals?

Most articles in this edition accept as their point of departure that animals have the same ethical status as humans. The clearest statement of this is Francione who uses a Kantian perspective to argue therefore that animals cannot be a means to an end. This, according to him, means that a vegan diet and lifestyle is the only moral position to take. This is also Horstemke's point of departure. However, he takes it further to argue that this makes violent acts in defence of animal rights morally defensible.

Less radically, Meyersfeld argues that the ethical status of animals requires three principles for the treatment of animals: the absence of pain, the 'glass slaughterhouse' and the imperative of survival. This is intended to make people more aware of animal suffering.

While they accept the basic idea of the moral status of animals, the articles by Smith and Bilchitz look at the issue from a different perspective. Smith argues that the current legislative framework does not take animal protection very far. She argues that it would take a fundamental shift in thinking and attitudes to change this legislative framework. Bilchitz uses the established means-end argumentation used by the courts to argue that it makes it possible for courts to extend the protection of animals. Intriguingly, he speaks of the intrinsic 'interest' of animals, rather than moral status or rights.

There are also more critical voices represented here. Kirchhoffer argues that a human-centred approach is not necessarily speciesist – a persistent debate in animal rights. He argues that humans are in an ethical relationship with animals and that requires humans to act ethically toward animals. De Villiers accepts the equal moral status of animals, but questions whether ‘rights talk’ is the right approach to take. For him this denies the otherness of animals, thus negating their uniqueness. Mnyongani argues for a non-Western conception of animals. For him the African communitarian view of animals is denied within the rights discourse. In this sense his culturally relative view of animals echoes the views of Kirchhoffer.

Despite missing some critical viewpoints expressed at the conference, this collection should inspire reflection on the issue of animals and how we treat them.

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